

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 6 and 14 have been canceled, and claims 1 and 13 have been amended. Claims 1-5, 7-13 and 15-16 are pending in this application.

Claims 1, 2, 4, 7-9 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cho in view of Trakh. Applicant has canceled claims 6 and 14 and included all of the limitations of the respective claim into their independent claims 1 and 13. Accordingly, this rejection is deemed moot.

Claims 3, 6, 10-12, 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cho in view of Trakh and Cho. Applicant traverses the rejection for the following reasons.

It is respectfully submitted that the prior art, either alone or in combination, fail to disclose or suggest all of the features of independent claims 1 and 13. In particular, none of the references disclose or teaches a headband woven with 100% nylon combustible yarn. It is submitted that Trakh merely discloses "85% nylon" in column 2, line 29. Although Schmidt discloses combustible yarn, it is believed that Schmidt relates to narrow fiberglass knit tape and is nothing to do with baseball-style cap. Applicant submits that Schmidt is not within the field of the inventor's endeavor and it is not reasonably pertinent to the particular problem with which the inventor was involved under the test of In re Wood, 202 USPQ 171,174 (C.C.P.A. 1979).

Furthermore, none of the references discloses or teaches head band having no polyurethane. The Examiner's rejection is moot in this regard.

Despite the distinguishing features noted above, Applicant has canceled claims 6 and included all of the features of canceled claim 6 into claim 1. It is respectfully submitted that the references cited by the Examiner is completely moot in disclosing the feature of

"wherein said yarn is passed through a bulking process and processed to be shrunk through low temperature, short-term combustion method, drying and heat treatment after weaving such that said yarn has a napped or fluffy structure". Again, the Examiner's rejection has failed to show objective teachings in the prior art for this feature. The examiner is invited to point out any passages which describe or teach this limitation.

Amended claim 13 also includes similar features as claim 1. Therefore, claims 1 and 13, and their dependent claims 2-5, 7-12 and 15-16 are not made obvious over Cho in view of Trakh and Cho under 35 U.S.C. §103(a).

All objections and rejections having been addressed, it is respectfully submitted that claims 1-5, 7-13 and 15-16 are now in condition for allowance and a notice to that effect is earnestly solicited. If any issues remain to be resolved, the Examiner is cordially invited to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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